

DEPARTMENT OF DEFENSE

GENERAL SERVICES
ADMINISTRATION

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION

48 CFR Chapter 1

[Docket No. FAR–2021–0051, Sequence No. 5]

Federal Acquisition Regulation;
Federal Acquisition Circular 2022–01;
Small Entity Compliance Guide

AGENCY: Department of Defense (DoD),
General Services Administration (GSA),

and National Aeronautics and Space
Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued
under the joint authority of DoD, GSA,
and NASA. This *Small Entity
Compliance Guide* has been prepared in
accordance with section 212 of the
Small Business Regulatory Enforcement
Fairness Act of 1996. It consists of a
summary of the rules appearing in
Federal Acquisition Circular (FAC)
2022–01, which amends the Federal
Acquisition Regulation (FAR).
Interested parties may obtain further
information regarding these rules by

referring to FAC 2022–01, which
precedes this document.

DATES: November 4, 2021.

ADDRESSES: The FAC, including the
SECG, is available via the internet at
<https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For
clarification of content, contact the
analyst whose name appears in the table
below. Please cite FAC 2022–01 and the
FAR Case number. For information
pertaining to status or publication
schedules, contact the Regulatory
Secretariat Division at 202–501–4755 or
GSARegSec@gsa.gov. An asterisk (*)
next to a rule indicates that a regulatory
flexibility analysis has been prepared.

RULES LISTED IN FAC 2022–01

Item	Subject	FAR case	Analyst
* I	Revision of Definition of “Commercial Item”	2018–018	Delgado.
* II	Consolidation and Substantial Bundling	2019–003	Bowman.
III	Maximum Award Price for Certain Sole Source Manufacturing Contracts	2021–007	Jackson.

SUPPLEMENTARY INFORMATION:

Summaries for each FAR rule follow.
For the actual revisions and/or
amendments made by these FAR rules,
refer to the specific item numbers and
subjects set forth in the documents
following these item summaries. FAC
2022–01 amends the FAR as follows:

**Item I—Revision of Definition of
“Commercial Item” (FAR Case 2018–
018)**

This final rule removes the definition
of “commercial item” and replaces it
with the definitions of “commercial
product” and “commercial service”.
The rule makes numerous conforming
changes throughout the FAR. The rule
implements section 836 of the John S.
McCain National Defense Authorization
Act for Fiscal Year 2019 (Pub. L. 115–
232). This final rule will not have a
significant economic impact on a
substantial number of small entities.

**Item II—Consolidation and Substantial
Bundling (FAR Case 2019–003)**

This final rule amends the FAR to
implement section 863 of the National
Defense Authorization Act for Fiscal
Year 2016, as implemented in the Small
Business Administration (SBA) final
rule published at 84 FR 65647 on
November 29, 2019. Section 863
requires publication of public notices of
determinations for consolidation and
substantial bundling of contract
requirements. Specifically, section 863
requires the head of an agency to
publish a notice on a public website
within 7 days of making the
determination that an acquisition plan
involves a substantial bundling of
contract requirements. Section 863 also
requires the Senior Procurement
Executive or Chief Acquisition Officer
to publish a notice on a public website
that consolidation of contract
requirements is necessary and justified.
In both cases, the agency may not issue
the solicitation any earlier than 7 days
after publication of the notices. The

agency must also publish the
justification along with the solicitation.

**Item III—Maximum Award Price for
Certain Sole Source Manufacturing
Contracts (FAR Case 2021–007)**

This final rule amends the FAR to
implement section 864 of the William
M. (Mac) Thornberry National Defense
Authorization Act for Fiscal Year 2021
(Pub. L. 116–283, January 1, 2021).
Section 864 amends the Small Business
Act to modify the maximum award
price for manufacturing contracts to \$7
million for 8(a) program participants,
Women-Owned Small Business (WOSB)
program participants, Historically
Underutilized Business Zone
(HUBZone) small business concerns,
and Service-Disabled Veteran-Owned
Small Business (SDVOSB) concerns.

William F. Clark,

*Director, Office of Government-wide
Acquisition Policy, Office of Acquisition
Policy, Office of Government-wide Policy.*

[FR Doc. 2021–22147 Filed 11–3–21; 8:45 am]

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